

2005 SEP -9 PM 4:02

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T.R.A. DOCKET ROOM
September 9, 2005

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VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition to Establish Generic Docket to Consider Amendments to
Interconnection Agreements Resulting from Changes of Law*
Docket No. 04-00381

Dear Hearing Officer Tate:

In accordance with your request during this morning's status conference, the parties are providing a revised Issues Matrix, which is attached. The revised Issues Matrix reflects that Issues 12¹, 20, 25 and 30 have been resolved and need not be addressed by the Authority.

By agreement, the parties did not include position statements in the Issues Matrix. During the Georgia hearing, the Georgia Commission asked that the parties do so. The parties anticipate providing a joint Issues Matrix that includes their respective statements shortly before, or at the same time, post-hearing briefs are filed in October.

This letter will also confirm the parties' agreement that the pre-filed testimony and exhibits of BellSouth witness David Wallis, XO witness Kristin Shulman and SECCA witness Wanda Montano will be stipulated into the evidentiary record without oral witness summaries or cross examination. These three witnesses will not appear in person during the Hearings unless requested to do so by the Authority. BellSouth and XO agreed to this stipulation based on the

¹ As BellSouth indicated during the status conference, BellSouth agrees that identifiable orders properly placed that should have been provisioned before March 11, 2005, but were not provisioned due to BellSouth errors in order provisioning should be included in the "embedded base."

condition that XO deletes footnote 1 from Ms. Shulman's rebuttal testimony and based upon XO's waiver of its opening statement. BellSouth and SECCA agreed to this stipulation based upon SECCA's waiver of its opening statement.

The parties have also agreed to submit the following Joint Hearing Exhibits into the record:

- | | |
|-------------------|----------------------------------------------------------------|
| Joint Exhibit 1: | Deposition Transcript and errata of Kathy Blake |
| Joint Exhibit 2: | Deposition Transcript and errata of Eric Fogle |
| Joint Exhibit 3: | Deposition Transcript and errata of Pamela Tipton |
| Joint Exhibit 4: | Deposition Transcript, and errata, if any, of Joseph Gillan |
| Joint Exhibit 5: | Deposition Transcript, and errata, if any, of Edward Cadieux |
| Joint Exhibit 6: | Deposition Transcript, and errata, if any, of Wanda Montano |
| Joint Exhibit 7: | Deposition Transcript, and errata, if any, of Kristin Shulman |
| Joint Exhibit 8: | Deposition Transcript, and errata, if any, of Jerry Watts |
| Joint Exhibit 9: | Deposition Transcript, and errata, if any, of Mary Conquest |
| Joint Exhibit 10: | Deposition Transcript, and errata, if any, of Steve Brownworth |

BellSouth will provide copies of Joint Exhibits 4 – 10 and the deposition erratas of Ms. Blake, Mr. Fogle, and Ms. Tipton. CompSouth will provide copies of Joint Exhibits 1 – 3. CompSouth, SECCA, XO, and ITC^DeltaCom will provide any erratas of their respective witnesses.

As discussed during the September 8, 2005 Status Conference, the parties have agreed to the following with respect to the procedure of the hearing itself.

Opening Statements of Counsel

- | | | |
|----|-----------|------------|
| 1. | BellSouth | 20 minutes |
| 2. | CompSouth | 15 minutes |
| 3. | DeltaCom | 5 minutes |

Oral Presentation of Witnesses

BellSouth

1. Kathy Blake - 5 minute oral summary
2. Eric Fogle - 5 minute oral summary
3. David Wallis - pre-filed written testimony entered into the record by stipulation
4. Pam Tipton - 10 minute oral summary

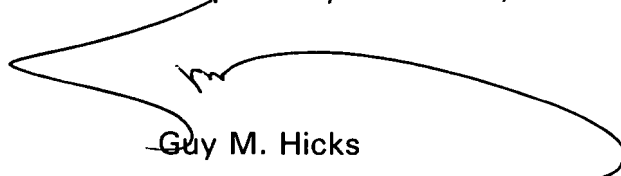
CLEC Witnesses

1. Joe Gillan (CompSouth) - 10 minute oral summary
2. Edward Cadieux (CompSouth) - 5 minute oral summary
3. Wanda Montano (SECCA) - pre-filed written testimony will be entered into the record by stipulation
4. Kristin Shulman (XO) - pre-filed written testimony with footnote 1 stricken will be entered into the record by stipulation
5. Jerry Watts (DeltaCom) - 5 minute oral summary
6. Mary Conquest (DeltaCom) - 5 minute oral summary
7. Steve Brownworth (DeltaCom) - 5 minute oral summary

Finally, in lieu of closing arguments the parties will file post-hearing briefs on October 28, 2005.

Copies of this letter have been provided to counsel of record.

Respectfully submitted,



Guy M. Hicks

GMH:nc

**CHANGE OF LAW GENERIC DOCKET
JOINT ISSUES MATRIX¹**

NO.	ISSUE DESCRIPTION
1	TRRO / FINAL RULES: The Section 252 process requires negotiations and to the extent parties may not be able to negotiate resolution of particular issues arising out of the Final Rules/TRRO or to the extent that new issues related to the Final Rules/TRRO arise, issues related to those matters will be added to this list.
2	TRRO / FINAL RULES: What is the appropriate language to implement the FCC's transition plan for (1) switching, (2) high capacity loops and (3) dedicated transport as detailed in the FCC's Triennial Review Remand Order ("TRRO"), issued February 4, 2005?
3	TRRO / FINAL RULES: a) How should existing ICAs be modified to address BellSouth's obligation to provide network elements that the FCC has found are no longer Section 251(c)(3) obligations? b) What is the appropriate way to implement in new agreements pending in arbitration any modifications to BellSouth's obligations to provide network elements that the FCC has found are no longer Section 251(c)(3) obligations?
4	TRRO / FINAL RULES: What is the appropriate language to implement BellSouth's obligation to provide Section 251 unbundled access to high capacity loops and dedicated transport and how should the following terms be defined? (i) Business Line (ii) Fiber-Based Collocation (iii) Building (iv) Route
5	TRRO / FINAL RULES: a) Does the Commission have the authority to determine whether or not BellSouth's application of the FCC's Section 251 non-impairment criteria for high-capacity loops and transport is appropriate? b) What procedures should be used to identify those wire centers that satisfy the FCC's Section 251 non-impairment criteria for high-capacity loops and transport? c) What language should be included in agreements to reflect the procedures identified in (b)?
6	TRRO / FINAL RULES: Are HDSL-capable copper loops the equivalent of DS1 loops for the purpose of evaluating impairment?
7	TRRO / FINAL RULES: Resolved

¹ This is a joint issues matrix between BellSouth, the member companies of CompSouth, SECCA, US LEC (all states but TN), XO, and Sprint. There is one issue that is in dispute in the states of South Carolina and Mississippi only, which is separately listed at the end of this matrix.

**CHANGE OF LAW GENERIC DOCKET
ISSUES MATRIX**

NO.	ISSUE DESCRIPTION
8	<p>TRRO / FINAL RULES:</p> <p>(a) Does the Commission have the authority to require BellSouth to include in its interconnection agreements entered into pursuant to Section 252, network elements under either state law, or pursuant to Section 271 or any other federal law other than Section 251?</p> <p>(b) If the answer to part (a) is affirmative in any respect, does the Authority have the authority to establish rates for such elements?</p> <p>(c) If the answer to part (a) or (b) is affirmative in any respect, (i) what language, if any, should be included in the ICA with regard to the rates for such elements, and (ii) what language, if any, should be included in the ICA with regard to the terms and conditions for such elements?</p>
9	<p>TRRO / FINAL RULES: What conditions, if any, should be imposed on moving, adding, or changing orders to a CLEC's respective embedded bases of switching, high-capacity loops and dedicated transport, and what is the appropriate language to implement such conditions, if any?</p>
10	<p>TRRO/FINAL RULES: What rates, terms, and conditions should govern the transition of existing network elements that BellSouth is no longer obligated to provide as Section 251 UNEs to non-Section 251 network elements and other services and (a) what is the proper treatment for such network elements at the end of the transition period; and (b) what is the appropriate transition period, and what are the appropriate rates, terms and conditions during such transition period, for unbundled high capacity loops, high capacity transport, and dark fiber transport in and between wire centers that do not meet the FCC's non-impairment standards at this time, but that meet such standards in the future?</p>
11	<p>TRRO / FINAL RULES: What rates, terms and conditions, if any, should apply to UNEs that are not converted on or before March 11, 2006, and what impact, if any, should the conduct of the parties have upon the determination of the applicable rates, terms and conditions that apply in such circumstances?</p>
12	<p>TRRO / FINAL RULES: Resolved</p>
13	<p>TRRO / FINAL RULES: Should network elements de-listed under section 251(c) (3) be removed from the SQM/PMAP/SEEM?</p>
14	<p>TRO - COMMINGLING: What is the scope of commingling allowed under the FCC's rules and orders and what language should be included in Interconnection Agreements to implement commingling (including rates)?</p>
15	<p>TRO - CONVERSIONS: Is BellSouth required to provide conversion of special access circuits to UNE pricing, and, if so, at what rates, terms and conditions and during what timeframe should such new requests for such conversions be effectuated?</p>
16	<p>TRO – CONVERSIONS: What are the appropriate rates, terms, conditions and effective dates, if any, for conversion requests that were pending on the effective date of the TRO?</p>

**CHANGE OF LAW GENERIC DOCKET
ISSUES MATRIX**

NO.	ISSUE DESCRIPTION
17	TRO – LINE SHARING: Is BellSouth obligated pursuant to the Telecommunications Act of 1996 and FCC Orders to provide line sharing to new CLEC customers after October 1, 2004?
18	TRO – LINE SHARING – TRANSITION: If the answer to foregoing issue is negative, what is the appropriate language for transitioning off a CLEC’s existing line sharing arrangements?
19	TRO – LINE SPLITTING: What is the appropriate ICA language to implement BellSouth’s obligations with regard to line splitting?
20	TRO – SUB-LOOP CONCENTRATION. Resolved
21	TRO - PACKET SWITCHING: Resolved
22	TRO – CALL-RELATED DATABASES What is the appropriate ICA language, if any, to address access to call related databases?
23	TRO – GREENFIELD AREAS: a) What is the appropriate definition of minimum point of entry (“MPOE”)? b) What is the appropriate language to implement BellSouth’s obligation, if any, to offer unbundled access to newly-deployed or ‘greenfield’ fiber loops, including fiber loops deployed to the minimum point of entry (“MPOE”) of a multiple dwelling unit that is predominantly residential, and what, if any, impact does the ownership of the inside wiring from the MPOE to each end user have on this obligation?
24	TRO – HYBRID LOOPS: What is the appropriate ICA language to implement BellSouth’s obligation to provide unbundled access to hybrid loops?
25	TRO – END USER PREMISES: Resolved
26	TRO – ROUTINE NETWORK MODIFICATION: What is the appropriate ICA language to implement BellSouth’s obligation to provide routine network modifications?
27	TRO – ROUTINE NETWORK MODIFICATION What is the appropriate process for establishing a rate, if any, to allow for the cost of a routine network modification that is not already recovered in Commission-approved recurring or non-recurring rates? What is the appropriate language, if any, to incorporate into the ICAs?
28	TRO – FIBER TO THE HOME: What is the appropriate language, if any, to address access to overbuild deployments of fiber to the home and fiber to the curb facilities?
29	TRO – EELS AUDITS: What is the appropriate ICA language to implement BellSouth’s EEL audit rights, if any, under the TRO?
30	252(i): Resolved

**CHANGE OF LAW GENERIC DOCKET
ISSUES MATRIX**

NO.	ISSUE DESCRIPTION
31	ISP Remand Core Forbearance Order: What language should be used to incorporate the FCC's <i>ISP Remand Core Forbearance Order</i> into interconnection agreements?
32	General Issue: How should the determinations made in this proceeding be incorporated into existing § 252 interconnection agreements?
* MS/ SC only	(a) (A) How should Line Conditioning be defined in the Agreement? (B) What should BellSouth's obligations be with respect to Line Conditioning? (b) Should the Agreement contain specific provisions limiting the availability of Line Conditioning to copper loops of 18,000 feet or less? (c) Under what rates, terms and conditions should BellSouth be required to perform Line Conditioning to remove bridged taps?

* In the states of MS and SC, the Commissions have moved certain issues from an existing arbitration proceeding between BellSouth and Nuvox and Xspedius to this docket. BellSouth's position is that these issues can be included as subparts (a), (b), and (c) to Issue 26 without separately creating a new issue; NuVox and Xspedius disagree and propose including a new TRO – Line Conditioning issue instead of subparts to existing Issue 26

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2005, a copy of the foregoing document was served on the following, via the method indicated:

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<input checked="" type="checkbox"/> Electronic	hwalker@boultcummings.com
<input type="checkbox"/> Hand	James Murphy, Esquire
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<input checked="" type="checkbox"/> Electronic	jmurphy@boultcummings.com
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